

Minutes – December 12, 2018

McSherrystown, Pennsylvania

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, December 12, 2018 in the Municipal Building, 338 Main Street, McSherrystown, Pennsylvania with Patricia McKim-Bortner presiding.

President McKim-Bortner led the Pledge of Allegiance to the Flag of the United States of America and the Invocation for Divine Guidance.

Present on roll call were the following members of council constituting a quorum: Patricia D. McKim-Bortner, Joseph E. VonSas, Michael J. Calderone, James A. Forbes, Lisa B. Koontz and Stephen J. Pascoe. Councilmember Robert D. Niedererr was absent. Other Borough Officials in attendance included Mayor Anthony J. Weaver; Robert Campbell, Esq., Solicitor; Michael F. Woods, Chief of Police; Scott J. Cook, Manager and Luanne M. Boring, Secretary/Treasurer.

Minutes of the regular meeting held November 14, 2018 were discussed.

Chief Woods noted raised a question that the manager stated it was \$980 extra for a black vehicle and the date the vehicle is available as 12/13/18. Cook did not recall making the comment or reporting that. The secretary will review her notes and tape, but did note that the tape ran out and did not record the second side. It has been determined that a change is not necessary as the record does not verify as accurate in that regard.

Mayor Weaver was told that a committee was appointed during the executive session last month and said that is public information. President McKim-Bortner acknowledged that she appointed a committee of Koontz and Pascoe to prepare and ad for secretary/treasurer as the position will be vacated in the next year. That will be added to the minutes after coming back from the executive session at the meeting end.

The minutes of November 14, 2018 were approved with the addition of appointment of the committee of Council members Koontz and Pascoe to prepare an ad for secretary/treasurer on a motion moved by Councilmember Calderone, seconded by Councilmember Pascoe. Motion carries.

The Financial Review and Budget Analysis reports were distributed by the treasurer. Chief Woods questions the amount in Capital Outlay Police. The treasurer acknowledged that this is not new expenses this month but will check into it and let him know what that category included. There were no other questions on those reports.

Communications – None reported by the secretary.

Dan Colgan questioned the email he sent and asked to forward to Manager Cook with his concerns of drainage issue at his property area. Manager Cook related that he checked it out, saying this is the second wettest summer on record in PA, and the water was gone from the area in two days. Cook added that that area is prone to taking on water and the

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Borough had installed a drainage box there. He will take a look once a day to monitor the situation at the box.

PUBLIC PARTICIPATION

Joy Murren, 306 Ridge Avenue, stood before the board and read a prepared statement supporting the Mayor, Chief and Police Department. Her words to council were not supportive but rather expressed her disappointment.

Keith Smith, McSherrystown Borough employee, started out explaining that the Borough is a whole, not separate departments but rather all falls under McSherrystown Borough. He addressed the chief as to usage of the black car saying he was told by an officer not to use it. Smith says it is usable, that he is a mechanic who works on it here at the Borough garage, and it knocks but is drivable.

Chief Woods says that they are not using it because it is defective. He is worried about safety of a defective vehicle. According to the department manual they have an option and do not want to risk safety.

It was further discussed that Manager Cook's vehicle is available to use but currently has no radio as he was told to take it to Adams County Radio maintenance to decommission it. There was discussion on using it as a court car. Mayor Weaver does not want officers rushing back & break down to answer calls, as they have portable radios, not repeaters. Chief Woods explained off-line, out of service is only when State Police responds. Mayor Weaver was thanked for pointing those things out and for his explanations regarding police response.

Danielle Smith, 610 Main Street, spoke of the last two meetings and the language spoken of the condition and availability and schedule for obtaining a new police vehicle. She addressed Keith Smith.

Keith responded that he was asked will it last and he says yes it will until new vehicle arrives here.

Mrs. Smith spoke of her review of the budget and budget notes and met with Manager Cook who could not answer her questions. She noted a wage freeze for crossing guards is a concern as nothing additional was budgeted in 2018 or 2019. She questioned if we look at what others are paying for this position and others here, as three percent has been given to non-uniform employees.

It was explained to Danielle that ex-Councilmember Duvall asked for the freeze in 2017 which at that time was \$13.86 per hour. The crossing guard spends less than an hour each time period she is there but gets paid an hour each time which council determined was fair. Conewago Valley School District reimburses the Borough for half the wages during each school year.

She spoke of no increase in the 2019 budget for police when in 2018 there was four

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percent budgeted in 2018. It was explained to her that the Borough had not yet gone to arbitration with police at the time 2018 was adopted and at the advice of our negotiations attorney did not put an increase in for 2019 due to not yet receiving actual award from arbitration.

Smith questions how the Borough formulates the budget without public meetings and spoke of their inconsistency. She added that she met with Manager Cook today and came out with more questions than when she went into their hour and one-half long meeting.

Mrs. Smith was assured that the Borough is not spending money frivolously but does budget each line item using estimates and do follow the budget which each committee chairman discusses with Manager Cook.

Frederick Walter, 205 S. Third St., former councilmember commented on the crossing guard and the fact that he spoke with the Chief in the past that they should stay at the intersection beyond ten minutes in the afternoon hour since buses from CVSD come later there.

REPORTS

Mayor Weaver thanked the boy scouts for the invitation to tree lighting, saying he is very appreciative of their efforts and in addition thanked the Heritage Committee for lighting the poles, acknowledging Council member VonSas, Andy Alwine and Corey Sterner for their placement of the wreathes and lighted decorations.

Police Chief Woods acknowledged that his report for the month of November was distributed. The report included 78 calls for police services. There were 2 criminal arrests, 2 summary arrests and 2 parking tickets issued. Patrols traveled 1,963.0 miles, using 242.8 gallons of fuel and averaging 8.1 mpg.

Manager Cook's report for the month of November included installing signs at the new dog park; installing double support beams on the new pavilion and sidewalks leading to new pavilion. The leaf box was installed on the dump truck and leaves were vacuumed on site throughout town as needed. Snow was plowed and salt and cinders applied to streets as needed. Snow was cleaned from sidewalks and parking lots. Trash containers were emptied at the parks and Borough offices. Daily maintenance and repairs was performed on police vehicles and borough vehicles and equipment. Mowed and maintained all recreation areas as needed. Gasoline usage totaled 213.1 gallons, diesel usage was 29.8 gallons and SAVES used 297.8 gallons of diesel and 8.5 gallons of gasoline.

According to Manager Cook the leaf collection will continue through the end of December. The Borough crew is working on getting the pavilion under roof.

Building and Grounds Committee Chairman VonSas reported that a new water heater had to be purchased for employee breakroom at the Public Works but has yet to be installed.

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Safety Committee Chairman Pascoe asks that Chief Woods submit his monthly status report at the beginning of each month.

Solid Waste Committee Chairman Calderone expressed his thanks that the Borough can still recycle with Neiderer's, although the list is limited. According to Manager Cook, the holiday schedule for residential will remain the same, a Monday collection. Christmas paper is not recyclable.

Under Sewer Committee, Manager Cook reported that we are waiting on the permit from Penn DOT at this time for sewer at 111 N. Second St. where a line was found to be crushed in the street. They are hoping to utilize a soft dig method due to other lines under the street.

Planning and Zoning Committee Chairman Forbes addressed 138 Main Street situation. Cook reported that there are two individuals living in the garage which had been posted as inhabitable, saying it is unfortunate they are still there. He had been lenient and says that after the thirty days, he will have no choice but to take it to the magistrate.

In the absence of Civil Service Committee Chairman Niedererr, Chief Woods reported there are seven applicants that will be testing here on Saturday.

Solicitor Campbell reported that there is an associate in his firm that has been helping the secretary with legality of Right-to-Know requests, as he is not familiar with the law.

OLD BUSINESS

Chief Woods asks where the money would go if not paid out to police in 2018 budget as indicated in remaining anticipated expenses. In particular he pointed out that there is money set aside for an officer no longer here.

It was requested by Danielle Smith that an addition of a line item to reflect expenses under police which are paid for with donations be added to the budget. That line item will be added for donated expenses to Police Department.

The budget for 2019 as duly advertised was approved on a motion moved by Councilmember Calderone, seconded by Councilmember VonSas. Motion carries. The budget was approved with no increase in taxes. Councilmember Calderone commended Scott and those who worked on the budget.

Ordinance 2018-1, tax ordinance for 2019, as duly advertised was approved on a motion moved by Councilmember Pascoe, seconded by Councilmember VonSas. Motion carries.

President McKim-Bortner noted that during executive personnel session last meeting she appointed a committee to come up with ad to place for replacement of the secretary/treasurer. Regrettably she is retiring next year.

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Councilmember Pascoe questions the need for the front guard on the police car and made a motion to delete that from the police car. He does not see that in area departments.

There was discussion and Mayor Weaver says it stays and reiterated that he has time, place and manner over the police department and has made contact with the Mayor's Association. Solicitor Campbell spoke saying that if the Chief needs or feels the need for the guard with the Mayor overseeing it, he has the right to order it.

Pascoe's motion dies for lack of a second.

NEW BUSINESS

Approval to pay listed expenses totaling \$82,242.62 (General Fund- \$35,081.06; Highway Aid - \$246.27 and Payroll - \$46,915.29) and year end bills was given on a motion moved by Councilmember Calderone, seconded by Councilmember VonSas. Motion carries.

The following resolutions were presented for consideration. It was noted that Resolution 2018-18 will need to be amended once we receive the arbitration award for the police and updated compensation received.

2018-15 Setting Fees for operation of Recreational Facilities

2018-16 Governing Police Pension Funds

2018-17 Fees and Charges Schedule for Zoning/Building

2018-18 Setting Compensations, Appointments, Salaries 2019

2018-19 Yearly allotment distribution of Act 205 to Pension Plans

2018-20 Setting fees for Subdivision/Land Development Ordinance

2018-21 Municipal Franchise Fee on Cable Television Service.

It was noted that the resolutions are the same as the previous year with exception of 2018-18 setting compensations, appointments, salaries for 2019.

Approval to adopt Resolutions 2018-15 through 2018-21 as presented was given on a motion moved by Councilmember VonSas, seconded by Councilmember Pascoe. Motion carries.

President McKim-Bortner acknowledged that the schedule for meetings for 2019 will continue to be held the second Wednesday of each month at 7 p.m.

Councilmember Calderone related that Teamzilla has made the news once again and it is interesting what they have accomplished here and congratulates them for bringing work to this town.

President McKim-Bortner indicated that an executive personnel meeting is needed.

A recess was declared at 8:30 p.m. on a motion moved by Councilmember Calderone, seconded by Councilmember Pascoe. Motion carries.

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The meeting was called back to order in an executive personnel session by President McKim-Bortner at 8:36 p.m.

The regular meeting was called back to order at 8:50 p.m. by President McKim-Bortner.

A motion to place an advertisement for Secretary/Treasurer position in The Merchandiser was moved by Councilmember Pascoe, seconded by Councilmember Calderone. Motion carries.

Adjournment was declared at 8:51 p.m. on a motion moved by Councilmember Forbes, seconded by Councilmember VonSas. Motion carries.

Luanne M. Boring
Borough Secretary